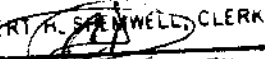


FEB 22 2006

ROBERT H. STEWELL, CLERK  
BY  DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 05-50073-02

VERSUS

JUDGE S. MAURICE HICKS, JR.

STEPHEN BRIAN PHELPS

MAGISTRATE JUDGE HORNSBY

**ORDER**

Before the Court is defendant Stephen Brian Phelps' ("Phelps") Federal Rule of Criminal Procedure Rule 29 Motion for Judgment of Acquittal. The motion was orally urged by defense counsel on January 10, 2006 after a two day jury trial, wherein the jury acquitted Phelps of conspiracy to distribute 50 grams or more of methamphetamine or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine (count one), but convicted him of possession with intent to distribute methamphetamine (count three). See Record Document 46. Based on the jury's verdict, Phelps' motion for judgment of acquittal applies only to the possession with intent to distribute methamphetamine charge.

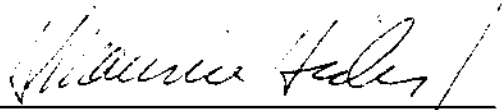
A motion for judgment of acquittal should only be granted when, viewing the evidence in a light most favorable to the government, no reasonable fact finder could find the evidence sufficient to support the jury's verdict. See United States v. Deville, 278 F.3d 500 (5th Cir. 2002). Here, the Court finds that the government presented evidence from which the jury could have reasonably inferred that the Defendant possessed methamphetamine with the intent to distribute it. Specifically, the government presented evidence, such as drug ledgers, indicating that Phelps was involved in the distribution of methamphetamine. Further, co-defendant Michael Chad James testified on behalf of the

government pertaining to Phelps' distribution of methamphetamine.

Accordingly;

**IT IS ORDERED** that the motion for judgment of acquittal be and is hereby **DENIED**.

**THUS DONE AND SIGNED**, at Shreveport, Louisiana, this the 22<sup>nd</sup> day of February, 2006.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE